

2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB358)

Received: 05/02/2006

Received By: csundber

Wanted: As time permits

Identical to LRB: s0726/3

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd

This file may be shown to any legislator: NO

Drafter: csundber

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.state.wi.us

Carbon copy (CC:) to: christopher.sundberg@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Prohibit charging grossly excessive price for motor vehicle fuel

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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<END>

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FE Sent For:

<END>

Sundberg, Christopher

From: Wadd, Jay
Sent: Tuesday, May 02, 2006 2:59 PM
To: Sundberg, Christopher
Subject: RE: Amendments to senate bill 358

That would be terrific. Thanks for all your help, Chris.

From: Sundberg, Christopher
Sent: Tuesday, May 02, 2006 2:59 PM
To: Wadd, Jay
Subject: RE: Amendments to senate bill 358

Hmm. I don't think you asked for that. Ready by tomorrow a.m.?

From: Wadd, Jay
Sent: Tuesday, May 02, 2006 2:58 PM
To: Sundberg, Christopher
Subject: Amendments to senate bill 358

Hi, chris.

I'm trying to get stright on our amendments so far to SB-358.

Have we asked you to draft Assembly substitute 2 to AB-786 as a substitute amendment to SB-358?

Here is the link to the amendment:

<http://www.legis.state.wi.us/2005/data/AB786-ASA2.pdf>

Wanted:
Wed. Jan

2005 - 2006 LEGISLATURE

0743/1
LRBs 0726/3
CTS:lmk:ff
↑
STAYS

SENATE
ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2005 ASSEMBLY BILL 786
SB 358

April 27, 2006 - Offered by Representatives ZEPNICK, SHILLING and KERKMAN

Regan ✓

- 1 AN ACT *to amend* 100.26 (4m); and *to create* 100.55 of the statutes; **relating**
2 **to:** prohibiting charging grossly excessive prices for motor vehicle fuel,
3 extending the time limit for emergency rule procedures, providing an
4 exemption from emergency rule procedures, granting rule-making authority,
5 and providing a penalty.

Analysis by the Legislative Reference Bureau

This substitute amendment prohibits charging for motor vehicle fuel a wholesale or retail price that grossly exceeds the price at which motor vehicle fuel is sold by another or that grossly exceeds the average price at which motor vehicle fuel was sold in the 21-day period immediately preceding a sale of the motor vehicle fuel. The substitute amendment requires the Department of Agriculture, Trade and Consumer Protection to promulgate a rule defining "grossly exceeds." Under the substitute amendment, the attorney general investigates violations of, and enforces, the provisions of the substitute amendment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.26 (4m) of the statutes is amended to read:

2 100.26 **(4m)** Any person who violates s. 100.18 (10r) or 100.55 is subject to a
3 civil forfeiture of not less than \$100 nor more than \$10,000 for each violation.

4 **SECTION 2.** 100.55 of the statutes is created to read:

5 **100.55 Grossly excessive prices for motor vehicle fuel prohibited. (1)**

6 No person may charge a wholesale or retail price for motor vehicle fuel that grossly
7 exceeds the price at which motor vehicle fuel is sold by another or that grossly
8 exceeds the average price at which motor vehicle fuel was sold in the 21-day period
9 immediately preceding a sale of the motor vehicle fuel.

10 **(2)** The department shall promulgate a rule defining “grossly exceeds” for
11 purposes of sub. (1).

12 **(3)** The attorney general shall investigate violations of, and enforce, this
13 section.

14 **SECTION 3. Nonstatutory provisions.**

15 **(1) EMERGENCY RULE.** Using the procedure under section 227.24 of the statutes,
16 the department of agriculture, trade and consumer protection shall promulgate the
17 rule described under section 100.55 (2) of the statutes, as created by this act, for the
18 period before the permanent rules become effective. Notwithstanding section 227.24

19 (2) (a) of the statutes, the joint committee for review of administrative rules may
20 extend the effective period of the emergency rule promulgated under this subsection
21 by the department of agriculture, trade and consumer protection, for periods
22 specified by the committee and may grant any number of extensions, except that the
23 committee may not extend the effective period of the rules beyond April 1, 2008.

24 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
25 of agriculture, trade and consumer protection is not required to provide evidence that

1 promulgating a rule under this subsection as an emergency rule is necessary for the
2 preservation of the public peace, health, safety, or welfare and is not required to
3 provide a finding of emergency for the rule promulgated under this subsection.

4 (END)